

REMARKS:

Applicants request consideration of newly presented claims 20-40. The amendments to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Support for the amendment can be found in the present application. Accordingly, no question of new matter should arise, and entry of this amendment is respectfully requested.

The Examiner has identified 3 groups which are alleged to be separate inventions. Group I, claim 1 directed to (+)-(S)-Clopidogrel Bisulfate Form I; Group 2, claims 3-19 drawn to a process of preparing the novel purified (+)-(S)-Clopidogrel Bisulfate Form I and Group 3, claim 2 which is directed to a pharmaceutical composition comprising (+)-(S)-Clopidogrel Bisulfate Form I.

In support of restricting between the 3 groups of claims, the Examiner has indicated that the groups do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features in that the technical feature in all groups is the (+)-(S)-Clopidogrel Bisulfate Form I. The Examiner indicates that the compound can not be the element because the compound is known in the prior art.

Applicants would respectfully disagree as to whether the compound as presently claimed in the newly presented claims is known in the prior art. Further, applicants would urge that Group 1 is drawn to the compound (+)-(S)-Clopidogrel Bisulfate Form I, Group II is directed to a process of preparing (+)-(S)-Clopidogrel Bisulfate Form I and Group III is directed to composition comprising (+)-(S)-Clopidogrel Bisulfate Form I. Clearly all three groups include and require the element (+)-(S)-Clopidogrel Bisulfate Form I. Thus, applicants would urge that all of the groups require the presence of the compound (+)-(S)-Clopidogrel Bisulfate Form I. Note MPEP section 806.05(i).

Page 4 of 5, 10:36 PM, 6/4/2007, Response to Restriction Requirement, Applicant: Mukarrams et al.
Application Serial Number: 10/364,364; Filing Date: 02-23-2006; Title: A Novel Process for the Manufacture of
(+)-(S)-Clopidogrel Bisulfate Form- I; Examiner: Nizal S. Chandrakumar, Art Unit: 1625

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Further, applicants would point out that the Examiner has not demonstrated that there would be any undue burden to search all three of the groups of claims in a single application, since in all cases the search must include those aspects of the compound (+)-(S)-Clopidogrel Bisulfate Form I represented in the claims of the application.

Thus, while applicants have provisionally elected with traverse to prosecute the invention of Group I, newly presented claims 20-28, applicants would request reconsideration of the instant restriction requirement and request that the Examiner consider all of the presented claims on the merits.

Should any official at the United States Patent and Trademark Office deem that any further action by the Applicant or Applicant's undersigned representative is desirable and/or necessary, the official is invited to telephone the undersigned at the number set forth below.

The Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment, to deposit account No. 503321. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, or otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 503321.

Respectfully submitted,

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